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EXAMINER	
NATNAEL, PAULOS M	
ART UNIT	**PAPER NUMBER**
2614	

DATE MAILED: 02/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/543,016	VANDEGINSTE, GUDRUN	
	Examiner	Art Unit	
	Paulos M. Natnael	2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *13 September 2004*.

2a)☐ This action is FINAL. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims **1,2,5,6,10,16,17** are rejected under 35 U.S.C. 102(b) as being anticipated by **Hayashi** et al., U.S. Pat. No. **5,237,417.**

Considering claim 1, **Hayashi** et al disclose all claimed subject matter, note:

a) the claimed apparatus for processing signals, is met by Fig.3 which illustrates a television signal receiving circuit.

b) parameter control means controlling a parameter of said signals, is met by controller 11, Fig. 3.

c) said parameter control means being adapted to compute adjustments to said parameter as a function of one of: a current ambient factor and a property of said signals, is also met by the controller 11, fig.3 which calculates picture quality.

d) wherein the apparatus further comprises indicator means for presenting a level indicator which is indicative of said computed adjustments, is met by subsidiary screen area 16 which displays levels of hue, saturation, brightness and sharpness 17 of the displayed image, (see fig.4), allowing a user to adjust the parameters and displays the new levels for the user to check.

Considering claim **2**, the claimed user control means for setting a preferred parameter level to be input into said parameter control means, wherein said preferred parameter is selected by a user form a plurality of parameter levels, said parameter control means being adapted to compute said adjustment as a function of said preferred parameter level and said one of: a current ambient factors and a property of said signals, is met by remote commander 23 allowing the user or operator to select the desired operations by sending command to the controller 11;

As for claim 5, see rejection of claim 1;

Regarding claim 6, see rejection of claim 1;

As for claim 10, see rejection of claim 2;

Regarding claim 16, see rejection of claim 5;

As for claim 17, see rejection of claim 6;

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims **1-20** are again rejected under 35 U.S.C. 103(a) as being unpatentable over **Miller** et al., U.S. Pat. No. **6,411,306** in view of **Hayashi** et al., U.S. Pat. No. **5,237,417**.

Considering claim **1**, Miller et al. discloses the following claimed subject matter, note; a) the claimed apparatus for processing signals is met by the apparatus as described in the abstract and Fig. 4;

b) the claimed parameter control means controlling parameters of said signals is met by microprocessor 18, Fig. 5 (column 5, lines 21-66), where the step 10 of the processing step provides the controlling and adjustment of the parameter (such as luminance, contrast);

c) the claimed parameter control means being adapted to cause adjustments to said parameters in response to current ambient factors or properties of said signal which is

met by the disclosure on column 5, lines 42-49 and Fig. 5, where the function step 7 demonstrates the adjustment in response to the surrounding luminance.

Except for;

d) the claimed indicator means for presenting a level indicator which is indicative of said computed adjustments

Regarding d), Miller et al. do not specifically disclose indicator means for presenting a level indicator, indicative of the adjustments that have been made. Miller discloses a display parameter luminance and contrast (Figs. 5 and 6) adjustment for display devices (see also abstract) Such an on-screen display (OSD) parameter adjustment would be obvious to the skilled in the art because it is notoriously well known in the art of television to use OSD to adjust parameters of the displayed image.

In this regard, Hayashi et al. disclose an apparatus for displaying television receiver operational parameters in a separate area of the screen. Character signals are supplied to the display control device for displaying the control data on the subsidiary screen area to display a variety of the control data on the subsidiary screen area of the television receiver without obstructing its main screen area to improve operability of the television receiver. (see Abstract) In Fig.4, for example, Hayashi et al. disclose the controller controls the character generator "to display the characters of color hue, saturation, brightness and sharpness as adjustment parameters, and the current setting values for these parameters in the form of level bars 17..." (col. 5, lines 26-33, and line 53 through col. 6, lines 4)

Therefore, it would have been obvious to those with ordinary skill in art at the time the invention was made to modify the system of Miller et al. by providing the adjustment indicator screen of Hayashi et al., in order to give the viewer or user an indication of the level or the amount of adjustment that has been made or is being made (as is well known in the art of television on-screen display) to the displayed signal or image.

Considering claim **2**, Miller et al. discloses the following claimed subject matter, note:
a) a control means for setting a preferred parameter level to be input into said parameter control means is met by the microprocessor 18 which stores default values in the memory 20 (column 5, lines 20-23).

b) the claimed parameter control means being adapted to compute said adjustment as a function of said preferred parameter level and said current ambient factors or properties of said signal is met by the disclosure on step 9 and 10 (fig.5) and, at column 5, lines 42-67, where in step S9 the system calculates image contrast adjustment based on surround luminance reading (ambient factor) and displays initial image using adjusted display luminance (Ld) and image contrast setting.

Except for;

c) user control means for setting a preferred parameter level; and
d) wherein said preferred parameter level is selected by a user from a plurality of parameter levels.

Regarding c) and d), Miller discloses a microprocessor 18. Microprocessors are well known in the art as devices that would accept user input command in order to change channels and/or display settings or parameters such as hue, color, brightness, contrast, etc. with the aid or use of a remote controller which of course is also well known in the art. Furthermore, the system of Miller et al teaches a display controller 44 which would allow a user to control the camera as all modern video cameras do.

Hayashi et al. disclose an apparatus for displaying the television receiver's operational parameters in a separate area of the screen as shown in Fig.4, for example, "to display the characters of color hue, saturation, brightness and sharpness as adjustment parameters, and the current setting values for these parameters in the form of level bars 17..." (col. 5, lines 26-33, and line 53 through col. 6, lines 4)

Therefore, the examiner submits that it would have been obvious to those with ordinary skill in the art at the time the invention was made to modify the system of Miller et al. by providing the adjustment indicator screen of Hayashi et al. which would be controlled by the remote controller being utilized by a user, in order to give the viewer an indication of the level or amount of adjustment that has been made to the receiver's monitor or screen.

Regarding claims **3, 7, 12,** and **14**, the claimed,

a) wherein said signals comprise video signals is met by the display device as disclosed on column 6, lines 59-62 where a video signal display encompasses the required video signal;

b)parameter comprises picture parameters which is met by the disclosure of Miller at column 5, lines 20-23;

c) ambient factor comprises ambient light is met by the display illumination sensor 14 (fig.4) and the disclosure where the surrounding luminance is considered as the ambient light. (see column 4, lines 38-41)

As for claims **4, 10,** and **11**, see rejection of Claims 1,2 and 3, respectively.

Claims **5** and **6** are method claims of the apparatus claims 1 and 2, and the recited functional steps are impliedly performed by their corresponding apparatus claims. Thus, claims 5 and 6 are rejected for the same reasons as in claims 1 and 2, respectively.

Considering claims **8, 9, 13,** and **15**, the claimed limitation "wherein said picture parameters comprise one of: luminance, contrast, and brightness saturation" is met by the disclosure on column 4, lines 38-41.

Considering claims **16** and **17**, Miller et al. disclose that their system is applicable to different of types of display devices and may be readily employed in a variety of devices that utilize electronic imaging (see column 6, lines 59-62). Furthermore, it is known that display parameter adjustment is widely utilized in the television receiver. The examiner therefore submits that it would have been obvious to one having ordinary skill in the art at the time the invention was made to implement the system of Miller et al. and Hayashi

et al. as a method of operating television receiver in order to facilitate the display parameter adjustment that responses to both manual changes and ambient surrounding factor dependent changes.

Considering claims **18** and **20**,

a) the claimed wherein said signals comprises video signals is met by the display device and the disclosure that "[t]he invention is applicable to different types of display devices and may be readily employed in a variety of devices that utilize electronic imaging." (see column 6, lines 59-62)

b) the claimed parameter comprises picture parameters is met by the disclosure " "the microprocessor 18 retrieves default values (S3) from the memory 20 for the display luminance (I.sub.def), the surround luminance (S.sub.def), the display luminance (L.sub.def) and image contrast settings (.lambda..sub.def). An initial display illuminance reading (I.sub.I) is then taken from the display illumination sensor 14 (S4). (column 5, lines 20-23)

c) the claimed ambient factor comprises ambient light is met by the disclosure the where the surrounding luminance is considered as the ambient light (column 4, lines 38-43) and the changing lighting conditions (See abstract of the disclosure)

Considering claim **19**, the claimed limitation of wherein said picture parameters comprise one of: luminance, contrast, and brightness saturation is met by the disclosure

The display illuminance and surround luminance measurements are supplied to the microprocessor 18 which determines the appropriate luminance and contrast of the display device." (column 4, lines 38-41)

Response to Arguments

5. Applicant's arguments filed September 13, 2004 have been fully considered but they are not persuasive. Response follows:

Applicant's Arguments

a) The Applicant agrees that in the Hayashi reference, information displayed on the screen is best characterized as parameter data, control data or setting values. Specifically, Hayashi states that controller 11 transmits control signals for adjusting the brightness, for example, on the screen to the first and second video signal processing circuits 4 and 9, while transmitting control signals for adjusting the level bar indication for brightness by one step to the character signal generating circuit 7." Thus, the Hayashi reference makes it clear that what is displayed on the screen is indicative of a control signal value applied to video signal processing circuits. As such, the Hayashi reference does not teach presenting a level indicator which is indicative of computed adjustments to a signal parameter, as recited in amended independent Claims 1 and 5. Furthermore, assuming, without admitting, that one of ordinary skill in the art was motivated to combine the teachings of the Miller and Hayashi references, the Applicant respectfully asserts that the resulting combination still would not suggest all the claimed

limitations. Because the Hayashi reference clearly teaches displaying an indication of a control signal applied to a video processing circuit, the Miller-Hayashi combination would display an indication of the readings from surround luminance sensor 16 and display illumination sensor 14. Such a system would not suggest presenting a level indicator indicative of computed adjustments to a signal parameter, as recited in amended independent Claims 1 and 5.

b) The Examiner has inappropriately applied hindsight when combining the teachings of the Miller reference and the Hayashi in order to arrive at the claimed invention recited in independent Claims 1 and 5. The teaching of providing an indicator means for presenting a level indicator which is indicative of computed adjustments to a signal parameter comes from the Applicants' patent application, rather than from the prior art. For these reasons, the proposed Miller-Hayashi combination fails to disclose, teach, or suggest the Applicant's invention as recited in amended independent Claims 1 and 5 (and their dependent claims).

Furthermore, the Applicant respectfully directs the Examiner's attention to dependent Claim 2, which contains the unique and novel limitations emphasized below:

2. (Previously Presented) An apparatus as claimed in claim 1, further comprising user control means for setting a preferred parameter level to be input into said parameter control means, wherein said preferred parameter level is selected by a user from a plurality of parameter levels, said parameter control means being adapted to compute said adjustments as a function of said preferred parameter

level and said one of: a current ambient factor and a property of said signals. Dependent Claim 6 recites analogous limitations. The Applicant respectfully asserts that the unique and novel limitations of Claims 2 and 6 are not disclosed, suggested, or even hinted at in the Miller reference or the Hayashi reference, or in the combination of the Miller reference and the Hayashi references.

c) The stored default value for display luminance is compared (step S5) to an initial reading from display illumination sensor 14 (step S4), and the comparison used in deciding whether to make an initial calculation of display device luminance (step S6). Significantly, the default value for display luminance is not used in the calculation in step S6, described by the equation at column 5, line 32. Similarly, the stored default value for surround luminance is not used in the calculation of image contrast in step S9, described at column 5, lines 47-65. Thus, the Miller reference does not teach computing adjustments to a signal parameter as a function of a preferred parameter level, as recited in dependent Claims 2 and 6...the Hayashi reference does nothing to overcome this shortcoming.

Examiner's Response

a) Hayashi et al disclose a subsidiary screen area **16** showing the levels of hue, saturation, brightness and sharpness of the image. It is notoriously well known in the art that a user or viewer equipped with a remote control may activate the on-screen display (i.e., area 16) and adjust any parameter to a desired (higher or lower) level. Thus, the

area **16** is a horizontal level indicator. Therefore, this visual area gives the user an indication of how much adjustment he/she is making or needs to make to the parameters of the signal or image displayed. In other words, displaying Hue, Saturation, brightness and sharpness is not displaying control signal applied to a video processing circuit, as Applicant's representative attempts to characterize it. Because these (hue, Saturation, brightness and sharpness) are parameters of the image signal that the viewer may change by activating the controller 11 using the remote controller 23. The controller then calculates/computes the desired level according to the input control signal from the remote controller.

b) The teaching of providing an indicator means for presenting a level indicator which is indicative of computed adjustments to a signal parameter comes from the well known prior art teachings as well as from Hayashi et al. The latter clearly and unambiguously teaches a subsidiary screen area **16** which indicates the levels of the parameters such as hue, saturation, brightness and sharpness, as is well known in the art, when the user activates the same with a remote control in order to adjust these and/or other parameters. Therefore, the argument that such teaching is taken from the applicant's invention in hindsight reconstruction is not agreed with, and it is unpersuasive.

c) The claims do not recite "the default value for display luminance", or "the default value for surround luminance". Thus, the applicant is arguing something that is not found in the claims. For, the claims simply state setting a preferred parameter level.

And a preferred parameter level may be any ***desired*** level, since preferred simply means "to promote or advance", "to like better or best" [Webster's 10th edition]. Miller teaches calculating/computing/determining adjustments based on display luminance as well as based on surround luminance reading as shown clearly in Fig.5.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paulos M. Natnael whose telephone number is (703) 305-0019. The examiner can normally be reached on 9:00am - 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (703) 305-4795. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

PAULOS M. NATNAEL
PATENT EXAMINER

PMN
January 31, 2005